IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

Case No. 1:08CR00024-51
ORDER
By: James P. Jones Chief United States District Judge
Chief Officed States District Judge

For the reasons set forth in the opinion accompanying this order, it is **ORDERED** as follows:

- 1. The objections to the magistrate judge's Report and Recommendation are OVERRULED and it is ACCEPTED;
- 2. The Motion to Dismiss is GRANTED in part and DENIED in part; and
- 3. The Indictment against this defendant is DISMISSED without prejudice.

ENTER: September 12, 2008

/s/ James P. Jones

Chief United States District Judge